



JUNE 14, 2020 Albany, NY

Governor Cuomo Signs Legislation Affirming the Right to Record Law Enforcement Activity

Governor Andrew M. Cuomo today signed legislation (S.3253-A/A.1360) - the 'New Yorker's Right to Monitor Act' - affirming the right of an individual to record law enforcement activity and to maintain custody of that recording and any instruments used to make the recording.

"Transparency is critical to renewing the community's trust and confidence in our policing systems," **Governor Cuomo said**. "Stopping police abuse vindicates the overwhelming majority - 99.9 percent - of police who are there to do the right thing, and by making clear that all New Yorkers have the right to record and keep recordings of police activity we can help restore trust in the police-community relationship."

Senator Kevin Parker said, "Sunlight is the best disinfectant! The right to record act will ensure protection for people who record misconduct by police. The senseless murder of George Floyd is a stark example of why transparency is needed. I appreciate Governor Cuomo recognizing the critical nature of this bill and signing it into law."

Assembly Member Nick Perry said, "There should be no cover, and no comfort for wrongful behavior in any police department, and as free Americans and New York citizens, we have always been informed and aware that we have the right and freedom to monitor and record acts of misconduct by bad apples in our police departments. We are grateful for the Governor's bold and positive leadership against relentless resistance from those behind the blue wall of silence. This new law makes it clear and unquestionable that as New Yorkers we are claiming and will exercise this right to protect us from the dishonorable actors who hide behind the badge, while abusing the awesome powers we afford them as police officers."



News Release

Assembly Speaker Carl E. Heastie

FOR IMMEDIATE RELEASE:
July 14, 2020

Speaker Heastie Statement on Right to Monitor Act Going into Effect

For years, the Assembly Majority has fought tirelessly to bring greater transparency and accountability to our criminal justice system. Today, the Right to Monitor Act goes into effect, ensuring every New Yorker has the legal protections they need to do their part in that fight.

In recent years, videos captured and shared by the public have helped to shed a light on some heinous acts and the immeasurable pain they have caused. These violent videos - including the heartbreaking video of George Floyd suffocating to death - have awoken the nation and started a movement that demanded action.

The Right to Monitor Act ensures that New Yorkers are legally permitted to record and photograph police activity, giving individuals a legal course of action if an officer interferes with lawful recording. The law also protects an individual's right to maintain custody and control of the recording.

The Assembly Majority is committed to protecting the rights of New Yorkers, and to delivering a fair and transparent criminal justice system for all.

New York State Assembly
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News Release

Assembly Speaker Carl E. Heastie

FOR IMMEDIATE RELEASE:

June 8, 2020

Assembly Passes Legislation Protecting New Yorkers' Rights to Record Law Enforcement Activity

Speaker Carl Heastie and Assemblymember N. Nick Perry today announced the Assembly passed the Right to Monitor Act, which confirms the public's right to record public law enforcement activity ([A.1360-A](#), Perry).

"As we seek to bring transparency and accountability to our criminal justice system, we cannot look past the fact that too often incidents of brutality and excessive force do not come to light unless they are caught on camera," **Speaker Heastie** said. "This legislation will ensure that New Yorkers rights are protected, and incidents are not suppressed from the public."

"Today, everyone has a camera in their pockets. And in cases of police abuse of power, recordings have proven time and again to be an invaluable protection. It is a right we have and this bill will allow us to exercise this right without fear of police interference, intimidation or confiscation of our recording devices," **Assemblymember Perry** said. "This will both protect New Yorkers rights and hold law enforcement accountable for their actions. It is past time that the right to record was codified in state law."

The Right to Monitor Act ensures that members of the public are legally permitted to record and photograph police activity, giving individuals a legal course of action if an officer interferes with lawful recording. The bill would also protect an individual's right to maintain custody and control of the recording. This change would codify rulings of many federal circuit courts, and the courts of this state, that members of the public have the right to record activity in their neighborhoods.

The New York State Senate

Senate Majority Advances Policing Reforms Legislative Package

June 08, 2020

(Albany, NY) The Senate Majority will advance a major policing reforms legislative package which includes the repeal of 50-a and other important bills to help implement real improvements to law enforcement efforts in New York. Last year a public hearing was held to examine the repeal of section 50-a of the Civil Rights Law as part of the Senate Majority's ongoing commitment to reforming the justice system. Recent national events surrounding the deaths of Breonna Taylor and George Floyd have highlighted the immediate need for these reforms. The implementation of these policing reforms will help the healing process for minority communities that have been disproportionately targeted and will facilitate better partnerships between law enforcement and the New Yorkers they serve.

"The horrific murder of George Floyd, the most recent in a long list of innocent people like Breonna Taylor, Ahmaud Arbery, Sean Reed, Tony McDade, and so many more, has led to a rightful outpouring of grief and anger," **Senate Majority Leader Andrea Stewart-Cousins** said. "Black New Yorkers, like all residents of this state, deserve to know that their rights, and lives, are valued and protected by our justice system. The Senate is stepping up to advance reforms that will empower New Yorkers, improve transparency, and help save lives. I thank our colleagues in the State Assembly, and my partner in legislative leadership, Speaker Carl Heastie, for undertaking these historic measures to help move New York State forward. The legislation that will be passed over the coming days will help stop bad actors and send a clear message that brutality, racism, and unjustified killings will not be tolerated."

The bills that will be advanced by the Senate Majority and will pass both legislative chambers include:

- Senate Bill S.8496: This legislation, sponsored by Senator Jamaal Bailey, will repeal section 50-a of the Civil Rights Law that provides additional protections to the personnel records of police officers, firefighters, and correction officers. This protection has been interpreted to include disciplinary records of law enforcement officers. This repeal would subject these records to FOIL, just as all other records kept by public agencies, while protecting the sensitive personal contact and health information of these officers.
- Senate Bill S.2574B: This legislation, sponsored by Senator Jamaal Bailey, will create an Office of Special Investigation within the Department of Law, under the Attorney General, which will investigate, and, if warranted, prosecute any incident of a person whose death was caused by a police officer or peace officer.
- Senate Bill S.3253B: This legislation, sponsored by Senator Kevin Parker, will clarify that a person not under arrest or in the custody has the right to record police activity and to maintain custody and control of that recording, and of any property or instruments used to record police activities.

- Senate Bill S.6670B: This legislation, the "Eric Garner Anti-Chokehold Act," sponsored by Senator Brian Benjamin, will prohibit the use of chokeholds by law enforcement and establish the crime of aggravated strangulation as a Class-C felony.
- Senate Bill S.3595B: This legislation, sponsored by Senator Kevin Parker, will establish the Law Enforcement Misconduct Investigative Office within the Department of Law to review, study, audit and make recommendations regarding operations, policies, programs and practices of local law enforcement agencies. The goal of this legislation is to enhance the effectiveness of law enforcement, increase public safety, protect civil liberties and civil rights, ensure compliance with constitutional protections and local, state and federal laws, and increase the public's confidence in law enforcement.
- Senate Bill S.1830C: This legislation, sponsored by Senator Brad Hoylman, the Police Statistics and Transparency (STAT) Act, will require courts to compile and publish racial and other demographic data of all low- level offenses, including misdemeanors and violations. The bill also requires police departments to submit annual reports on arrest-related deaths to be submitted to the Department of Criminal Justice Services and to the Governor and the Legislature.
- Senate Bill S.8492: This legislation, sponsored by Senator Kevin Parker, establishes a private right of action for a member of a protected class when another person summons a police or peace officer on them without reason to suspect a crime or an imminent threat to person or property existed.
- Senate Bill S.6601A: This legislation, sponsored by Senator Jamaal Bailey, will amend the Civil Rights Law by adding a new section that affirms New Yorkers' right to medical and mental health attention while in custody.
- Senate Bill S.8493: This legislation, the New York State Police Body-Worn Cameras Program, sponsored by Senator Kevin Parker, will direct the Division of State Police to provide all State police officers with body-worn cameras that are to be used any time an officer conducts a patrol and prescribes mandated situations when the camera is to be turned on and recording.
- Senate Bill S.2575B: This legislation, sponsored by Senator Jamaal Bailey, will require state and local law enforcement officers, as well as peace officers, to report, within six hours, when they discharge their weapon where a person could have been struck, whether they were on or off duty.

Bill Sponsor and Chair of the Senate Codes Committee, Senator Jamaal Bailey, said, "No one who seeks to have the public's trust should put up barriers to accountability and transparency. Repealing '50-a' will undo a decades-long problem that has been used to protect police officers who violated the sacred trust and power they were given. I am proud that this legislation, and all of the bills in this police reform package have been advanced through the Senate, though I am deeply saddened and angered at the terrible human toll that it took to get us here. The fight for justice must continue, and these new laws will move our state in the right direction."

Senator Brian Benjamin said, "Criminalizing the use of the chokehold by police or peace officers and prohibiting law enforcement officers from using racial and ethnic profiling are essential steps in bringing sorely needed police accountability reform to New York State. These reforms will put New York at the front of the pack in trying to bring justice to the families of Eric Garner, George Floyd, Breonna Taylor, Ramarley Graham, Sean Bell and so many other families across this country who have been victims of police brutality."

Bill Sponsor and Chair of the Judiciary Committee, Senator Brad Hoylman, said, “The Police Statistics and Transparency (STAT) Act (S1830C), a recommendation of President Barack Obama’s Task Force on 21st Century Policing, requires law enforcement to collect and publicly report demographic information ranging from low-level arrests to in-custody deaths. Because of this legislation, we’ll finally have the data necessary to identify and root out the systematic and discriminatory policing practices that law enforcement uses to target Black and Brown New Yorkers. I’m thankful for the leadership of Senate Majority Leader Andrea Stewart-Cousins, Senate Codes Committee Chair Jamaal Bailey, and Assembly sponsor Joe Lentol for helping me usher this bill to passage, along with the Black, Puerto Rican, Hispanic & Asian Legislative Caucus. I’m honored to have had the support of Gwen Carr, the mother of Eric Garner, who travelled to Albany to personally campaign for passage of the Police-STAT Act. We pass this bill today in honor of the memory of Ms. Carr’s son.”

Senator Kevin Parker said, “Too often injustices go unseen and police officers feel emboldened to act as judge and jury. Body cameras will diminish the trust deficit between the police and communities they serve. Sunlight is the best disinfectant! The right to record act will ensure protection for people who record misconduct by police. The senseless murder of George Floyd is a stark example of why transparency is needed. It’s way past time that New York ensured consistent oversight of local law enforcement across the state. The law enforcement misconduct investigative office will improve policies, practices and procedures by providing extra independent scrutiny to detect when our local police may be failing to address individual wrongdoing or systemic problems. I hope, when fully functional, it will be a preventive measure to the misconduct that plagues our police departments and restores the confidence of our communities. Social media is rampant with videos of people weaponizing the 911 emergency system against African-Americans hoping to see them falsely arrested or worse. This legislation is by no means a solution to the systematic injustices and prejudices that fuel these types of calls to the police. However, this law gives victims of this despicable behavior the beginnings of some recourse.”

**NEW YORK STATE SENATOR
KEVIN S. PARKER**

State Senator Kevin Parker Leads The Senate Majority In Passing Police Reform Legislation

June 08, 2020

(Albany, New York) –Today, State Senator Kevin Parker and the Senate Majority passed monumental legislation to address police reform. For years communities of color have been victims of poor policing policies which has created a division between inner community residents and police officers. The recent deaths of George Floyd, Breonna Taylor and Ahmaud Arbery and countless others has put pressure on lawmakers to be proactive about creating solutions.

Today, Senator Parker passed the following legislation:

- Senate Bill S.3253B: This legislation, sponsored by Senator Kevin Parker, will clarify that a person not under arrest or in custody has the right to record police activity and to maintain custody and control of that recording, and of any property or instruments used to record police activities.
- Senate Bill **S.8492**: This legislation, sponsored by Senator Kevin Parker, establishes a private right of action for a member of a protected class when another person summons a police or peace officer on them without reason to suspect a crime or an imminent threat to person or property existed.

Senator Kevin Parker said, “Sunlight is the best disinfectant! The right to record act will ensure protection for people who record misconduct by police. The senseless murder of George Floyd is a stark example of why transparency is needed.

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